



February 3, 2015

VIA CERTIFIED MAIL

Security Contractor Services, Inc.
Managing Agent
5339 Jackson Street
North Highlands, California 95660

H&H Properties
Fred Honore
P.O. Box 543
San Jose, California 95106

VIA UNITED STATES MAIL

Corporation Service Company Which Will Do
Business In California As CSC - Lawyers
Incorporating Service
Registered Agent for Security Contractor
Services, Inc.
2710 Gateway Oaks Drive
Suite 150N
Sacramento, California 95833

George Honore
Registered Agent for H&H Properties
1350 E. St. James Street
San Jose, California 95116

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of California Sportfishing Protection Alliance ("CSPA") regarding violations of the Clean Water Act¹ and California's General Industrial Storm Water Permit² occurring at the Security Contractor Services, Inc. facility located at 5339 Jackson Street, North Highlands, California 95660 (hereinafter the "Security Contractor Services Facility" or "Facility"). The purpose of this letter is to put the owners and operators of the Security Contractor Services Facility on notice of the violations of the Storm Water Permit that have occurred, and continue to occur, at the Facility including, but not limited to, the discharges of

¹ Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

² National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ (hereinafter "Storm Water Permit").

polluted storm water from the Facility into local water bodies. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the owners and/or operators of the Facility are liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to sue. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. See 40 C.F.R. § 135.2. This letter is being sent to you as a Security Contractor Services Facility owner and/or operator, or as the registered agent for this entity. By this letter, issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, CSPA puts the Facility owners and/or operators on notice that after the expiration of sixty (60) days from the date of this letter, we intend to file an enforcement action in federal court for violations of the Storm Water Permit and the Clean Water Act at the Facility.

I. Background.

A. California Sportfishing Protection Alliance.

CSPA is a 501(c)(3) non-profit public benefit conservation and research organization. CSPA was established in 1983 for the purpose of conserving, restoring, and enhancing the state's water quality, wildlife, fishery resources, aquatic ecosystems, and associated riparian habitats. CSPA accomplishes its mission by actively seeking federal, state, and local agency implementation of environmental regulations and statutes and routinely participates in administrative, legislative, and judicial proceedings. When necessary, CSPA directly initiates enforcement actions on behalf of itself and its members to protect public trust resources. CSPA's office is located at 3536 Rainier Avenue, Stockton, California 95204.

The owners and/or operators of the Security Contractor Services Facility have discharged, and continue to discharge, polluted storm water to Magpie Creek, which flows to Steelhead Creek, then to the Sacramento River, and then to the Sacramento-San Joaquin River Delta ("Delta") (collectively "Receiving Waters"). The Facility's discharges of polluted storm water degrade water quality and harm aquatic life in the Receiving Waters. Members of CSPA live, work, and/or recreate near the Receiving Waters. For example, CSPA members use and enjoy the Receiving Waters for fishing, boating, swimming, bird watching, picnicking, viewing wildlife, and engaging in scientific study. The unlawful discharge of pollutants from the Security Contractor Services Facility impairs each of these uses. Further, the Facility's discharges of polluted storm water are ongoing and continuous. As a result, CSPA's members' use and enjoyment of the Receiving Waters has been and continues to be adversely impacted. Thus, the interests of CSPA's members have been, are being, and will continue to be adversely affected by the failure of the Facility owner and/or operator to comply with the Storm Water Permit and the Clean Water Act.

B. The Owners and/or Operators of the Security Contractor Services Facility.

Information available to CSPA indicates that Security Contractor Services, Inc. is an active corporation registered to operate in California since 1961. Information available to CPSA indicates that Security Contractor Services, Inc. has been an owner and/or operator of the Facility since at least 2004.

Information available to CSPA indicates that H&H Properties is an active limited liability company registered to operate in California since 2008. Information available to CPSA indicates that H&H Properties has been an owner and/or operator of the Facility since at least 2004. Security Contractor Services, Inc. and H&H Properties are hereinafter referred to as the Security Contractor Services Owners and/or Operators.

The Registered Agent for Security Contractor Services, Inc. is Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service located at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. The Registered Agent for H&H Properties is George Honore located at 1350 E. St. James Street, San Jose, California 95116.

C. The Security Contractor Services Facility's Coverage Under the Storm Water Permit.

A Notice of Intent ("NOI") to obtain Storm Water Permit coverage for metal and fabricated wire manufacturing at the Security Contractor Services Facility was first submitted to the State Water Resources Control Board ("State Board") in January 2004. The NOI lists the Facility operator as H&H Properties at PO Box 547, San Jose, California 95106. The NOI lists the Facility name as Security Contractor Services located at 5339 Jackson Street, North Highlands, California 95660 consisting of approximately 6.42 acres 90% of which is impervious. Upon receipt of the NOI, the Facility was assigned Waste Discharger Identification number 5S34I018621.

The NOI lists the Standard Industrial Classification Codes for the Security Contractor Services Facility as 3446 (metal work manufacturing) and 3496 (fabricated wire manufacturing). The Storm Water Permit regulates SIC code 3446 and 3496 facilities where industrial materials, equipment, or activities are exposed to storm water. See Storm Water Permit, Attachment 1, ¶ 10.

D. Storm Water Pollution and Its Impacts on the Sacramento-San Joaquin Delta Watershed.

With every significant rainfall event, millions of gallons of polluted rainwater, originating from industrial facilities such as the Security Contractor Services Facility, pour into storm drains and surface waters in California. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. This discharge of pollutants, which includes discharges from industrial facilities, contributes to the impairment of downstream waters and aquatic dependent wildlife.

Polluted storm water discharges from metal and fabricated wire manufacturing facilities can carry pollutants such as total suspended solids ("TSS"), oil and grease ("O&G"), pH-affecting substances, aluminum, iron, zinc, and nitrates plus nitrites as nitrogen ("N+N"). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Polluted storm water discharges to surface waters pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The California Regional Water Quality Control Board, Central Valley Region ("Regional Board") has issued its Water Quality Control Plan for the Sacramento and San Joaquin River Basins ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for the waters that receive polluted storm water discharges from the Security Contractor Services Facility include: Municipal and Domestic Supply, Agricultural Supply, Industrial Processes Supply, Industrial Service Supply, Water Contact Recreation, Non-contact Water Recreation, Warm Freshwater Habitat, Cold Freshwater Habitat, Migration, Spawning, Wildlife Habitat, Navigation. See Basin Plan at Table II-1.

A water body is impaired pursuant to section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d), when its Beneficial Uses are not being achieved due to the presence of one or more pollutants. Downstream of the Facility, the Sacramento River and the Delta are impaired by, among other things, various pesticides, mercury, and/or unknown toxicity.³ Polluted storm water discharges from industrial facilities, such as the Security Contractor Services Facility, contribute to the impairment of surface waters, including the Receiving Waters, and harm aquatic dependent wildlife.

E. The Industrial Activities at the Security Contractor Services Facility and Associated Pollutants.

Based on CSPA's review of publicly available information, the Facility includes industrial operations occurring on the property located at 5339 and 5311 Jackson Street. Information available to CSPA indicates that the following industrial operations are conducted at the Facility: metals manufacturing, fabricated wire manufacturing, materials and waste storage, operational activities, equipment and parts storage, and facility maintenance. Information available to CSPA indicates that these activities are exposed to storm water.

Each of these activities or materials is a potential source of pollutants at the Facility. Information available to CSPA indicates that many, if not all, of the industrial operations and associated material storage at the Facility are conducted outdoors without adequate cover or other effective best management practices ("BMPs") to prevent storm water exposure to pollutant sources, and without adequate secondary containment or other measures to prevent polluted storm water from discharging from the Facility.

³ 2010 Integrated Report – All Assessed Waters, available at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on March 20, 2014).

The pollutants associated with operations at the Security Contractor Services Facility include, but are not limited to: TSS, O&G, pH-affecting substances, oxygen-depleting chemicals, aluminum, iron, zinc, and N+N.

Information available to CSPA also indicates that the pollutants and pollutant sources identified above have been and continue to be deposited in and around and/or tracked throughout the Facility. Pollutants accumulate at the storm water discharge points and drop inlets to the onsite storm drain system. They also accumulate at and on the driveways to Jackson Street, resulting in the discharge of pollutants at the driveways as well as tracking of sediment, dirt, oil and grease, metal particles and other pollutants off-site.

F. The Security Contractor Services Facility's Failure to Implement BMPs and Associated Discharges of Pollutants.

The Security Contractor Services Facility Owners and/or Operators report that there are at least 2 discharge locations at the Facility, which are labeled as DP-1 and DP-2 in the Facility Annual Reports. As explained in the 2011/2012 Annual Report, there is an additional discharge location that discharges directly to Magpie Creek located on the northern portion of the Facility in the Rental Storage Yard area. The Security Contractor Services Facility Owners and/or Operators have collected storm water samples from DP-1 and DP-2, as well as from an additional sampling location labeled "SP-1," which may be an additional discharge location.

Information available to CSPA further indicates that the driveways from the Facility onto Jackson Street are discharge locations. There are at least 4 driveway discharge locations: 2 driveways allowing entrance and egress from the portion of the Facility located at 5339 Jackson Street and 2 driveways allowing entrance and egress from the portion of the Facility located at 5311 Jackson Street.

The Security Contractor Services Facility Owners and/or Operators have not properly developed and/or implemented the required BMPs to address pollutant sources, prevent the exposure of pollutants to storm water, and prevent the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events, storm water carries pollutants from the Facility's uncovered and exposed areas of industrial activity into the Receiving Waters. These discharges negatively impact the Receiving Waters and CSPA's members' use and enjoyment of the Receiving Waters.

The Security Contractor Services Facility Owners' and/or Operators' failure to develop and/or implement BMPs required by the Storm Water Permit to reduce or eliminate pollutant levels in discharges is also documented by the Regional Board. In 2006, 2007, and 2008, the Regional Board issued "Failure to Comply with the General Permit for Storm Water Discharges Associated with Industrial Activities" notices to the Security Contractor Services Facility Owners and/or Operators informing them that they failed to file the required Annual Reports, which are meant to allow permittees to evaluate a facility's BMPs. Further, on May 1, 2008, and October 23, 2009, in response to the Facility's submittal of Annual Reports including storm water sampling data, the Regional Board notified the Security Contractor Services Facility

Owners and/or Operators that the levels of pollutants in the Facility storm water indicate that current BMPs are not sufficient to comply with the Storm Water Permit requirements, and required the Security Contractor Services Facility Owners and/or Operators to modify the Facility BMPs and submit a responsive report. While, on November 30, 2009, the Security Contractor Services Facility Owners and/or Operators submitted a cursory report in response to the Regional Board's October 23 letter that proposed BMP improvements, concentrations of pollutants in the Facility storm water discharges, including in the 2013/2014 wet season, continue to demonstrate that the Facility BMPs do not comply with the Permit terms.

II. Violations of the Clean Water Act and the Storm Water Permit.

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Storm Water Permit, Fact Sheet at VII.

A. Discharges of Polluted Storm Water from the Security Contractor Services Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit.

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants⁴ and best conventional pollutant control technology ("BCT") for conventional pollutants.⁵ Benchmark Levels are relevant and objective standards to evaluate whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.⁶

Sampling at the Security Contractor Services Facility establishes the repeated and significant exceedances of Benchmark Levels, which demonstrates that the Security Contractor Services Facility Owners and/or Operators have not implemented BMPs at the Facility that achieve compliance with the BAT/BCT standards. *See* Exhibit A. The Security Contractor Services Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs to prevent the exposure of pollutants to storm water and to prevent discharges of polluted storm water from the Facility, in violation of Effluent Limitation B(3) of the Storm Water Permit.

Further, each year since the 2011/2012 Annual Report the Security Contractor Services Facility Owners and/or Operators have self-reported that the Facility is not in compliance with the Permit due to failure to develop and/or implement adequate BMPs.

⁴ Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

⁵ Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.

⁶ *See* EPA Storm Water Multi-Sector Permit (2008), Fact Sheet, p. 106; *see also*, EPA Storm Water Multi-Sector Permit, 65 Federal Register 64839 (2000).

Information available to CSPA indicates that the Security Contractor Services Facility Owners and/or Operators violate Effluent Limitation B(3) of the Storm Water Permit for failing to develop and/or implement BMPs that achieve BAT/BCT each time storm water is discharged from the Facility. *See e.g.*, Exhibit B (setting forth dates of rain events resulting in a discharge at the Facility).⁷ These discharge violations are ongoing and will continue each day the Security Contractor Services Facility Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. CSPA will update the number and dates of violation when additional information and data becomes available. Each time the Security Contractor Services Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Security Contractor Services Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 3, 2010.

B. Discharges of Polluted Storm Water in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit.

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or ground water that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard ("WQS").⁸ Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Information available to CSPA indicates that the Facility's storm water discharges contain elevated concentrations of pollutants, including but not limited to TSS, O&G, pH-affecting substances, oxygen-depleting chemicals, aluminum, iron, zinc, and N+N, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Discharges of elevated concentrations of pollutants in the storm water from the Facility also adversely impact human health. These harmful discharges from the Security Contractor Services Facility are violations of Receiving Water Limitation C(1).

⁷ Exhibit B sets forth dates of significant rain events as measured at the Arcade Creek at Winding Way rain gauge. A significant rain event is defined by EPA as a rainfall event generating 0.1 inches or more of rainfall, which generally results in measurable discharges at a typical industrial facility.

⁸ As explained above in Section I.D, the Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to the impairment of the Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and the water quality objectives in the Basin Plan.

Information available to CSPA further indicates that the Facility's storm water discharges contain concentrations of pollutants that cause or contribute to an exceedance of applicable WQSs, in violation of Receiving Water Limitation C(2). *See, e.g.*, Exhibit A. Storm water discharges from the Facility that cause or contribute to exceedances of WQSs are violations of Receiving Water Limitation C(2).

Information available to CSPA indicates that the storm water discharges from the Security Contractor Services Facility violate Receiving Water Limitations C(1) and/or C(2) each time storm water is discharged from the Facility. These violations are ongoing, and will continue each time contaminated storm water is discharged in violation of the Receiving Water Limitation C(1) and/or C(2) of the Storm Water Permit. Each time discharges of storm water from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). CSPA will update the number and dates of violation when additional information becomes available. The Security Contractor Services Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 3, 2010.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. *See* Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9), and must be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and (10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Storm Water Permit, Section A(4)); a list of significant materials handled and stored at the site (*see* Storm Water Permit, Section A(5)); a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may

occur (*see* Storm Water Permit, Section A(6)). Sections A(7) and A(8) of the Storm Water Permit require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to CSPA indicates that Security Contractor Services Facility Owners and/or Operators have been conducting operations at the Facility with an inadequately developed and/or implemented SWPPP. For example, the Security Contractor Services Facility Owners and/or Operators failed to create a site map that includes all the information required by Section A(4) of the Storm Water Permit, such as the direction of flow on the Facility, locations where materials are directly exposed to precipitation, locations where significant spills or leaks have occurred, or the areas of industrial activities. The Security Contractor Services Facility Owners and/or Operators have also failed and continue to fail to develop and/or implement a SWPPP that contains BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Facility, as required by the Storm Water Permit. The SWPPP inadequacies are documented by the continuous and ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit. *See, e.g.,* Exhibit A.

The Security Contractor Services Facility Owners and/or Operators have also not revised the SWPPP as required by the Storm Water Permit. For example, in response to the Regional Board's October 23 letter, the Security Contractor Services Facility Owners and/or Operators were required to modify the Facility SWPPP to address Benchmark Level exceedances in the Facility's storm water samples. However, as of the 2013/2014 wet season the concentrations of pollutants in storm water discharges from the Facility continue to exceed Benchmark Levels demonstrating that any SWPPP revisions have not achieved compliance with the Permit.

Further, each year since the 2011/2012 Annual Report the Security Contractor Services Facility Owners and/or Operators have self-reported that the Facility is not in compliance with the Permit due to failure to develop and/or implement an adequate SWPPP.

The Security Contractor Services Facility Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of Section A and Provision E(2) of the Storm Water Permit. Every day the Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Security Contractor Services Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least February 3, 2010. These violations are ongoing, and CSPA will include additional violations when information becomes available. The Security Contractor Services Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 3, 2010.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program.

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate M&RP by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and must be evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.*

Sections B(3) – B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one storm event per month during the Wet Season. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. *See* Storm Water Permit, Sections B(3) and B(4). Dischargers must also revise the SWPPP in response to these observations to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4).

Sections B(5) and B(7) of the Storm Water Permit require dischargers to collect samples of storm water from all locations where storm water is discharged. Storm water samples must be analyzed for TSS, pH, specific conductance, total organic carbon or oil and grease, and other pollutants that are likely to be present in the facility's discharges in significant quantities. *See* Storm Water Permit, Section B(5)(c). The Storm Water Permit requires facilities classified as SIC Code 3496, such as the Facility, to also analyze storm water samples for Aluminum, Iron, Nitrate Plus Nitrite, and Zinc. *Id.*; *see also* Storm Water Permit, Table D, Sector AA.

Information available to CSPA, including review of Annual Reports, indicates that the Security Contractor Services Facility Owners and/or Operators have been conducting operations at the Facility with an inadequately developed and/or implemented M&RP, and have failed to revise the M&RP as required by the Storm Water Permit. Specifically, as indicated in several of the Annual Reports submitted by the Security Contractor Services Facility Owners and/or Operators, the Facility operators have not been properly trained to implement the required storm water and non-storm water visual inspections or monitoring activities. The Security Contractor Services Facility Owners and/or Operators have also failed to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and the source of any pollutants when conducting visual observations.

The Security Contractor Services Facility Owners and/or Operators are also not collecting or analyzing samples as required by the Storm Water Permit. For example, the Security Contractor Services Facility Owners and/or Operators have failed to collect storm water samples from all discharge locations within the first hour of discharge, have failed to sample all discharge locations for all required parameters, and have failed to collect samples from the first rain event of a wet season. In addition, the Security Contractor Services Facility Owners and/or Operators have failed and continue to fail to follow proper storm water analysis and/or reporting procedures, as required by Storm Water Permit, Section B.10.b. and 40 C.F.R. § 136.3. These failures to comply with the Storm Water Permit's requirements demonstrate the inadequacies of the M&RP and the failure to properly implement the M&RP at the Facility.

The Security Contractor Services Facility Owners' and/or Operators' failure to conduct sampling, monitoring, and reporting as required by the Storm Water Permit demonstrates that they have failed to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the Security Contractor Services Facility Owners and/or Operators conduct operations in violation of the specific monitoring and reporting requirements of the Storm Water Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Security Contractor Services Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least February 3, 2010. These violations are ongoing, and CSPA will include additional violations when information becomes available. The Security Contractor Services Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 3, 2010.

E. Failure to Comply with the Storm Water Permit's Reporting Requirements.

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13).

The Security Contractor Services Facility Owners and/or Operators have failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements, including filing incomplete Annual Reports that do not provide the information required by the Storm Water Permit. For example, the 2009/2010 and 2010/2011 Annual Reports indicate that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to CSPA, including a review of the Regional Board's files and the Facility storm water sampling data, indicates that these certifications by the Security Contractor Services Facility Owners and/or Operators are erroneous, because they had not developed and/or implemented adequate BMPs or revised the

SWPPP, resulting in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations. In fact, Annual Reports document the need for additional BMPs, or improvements to current BMPs, yet the compliance certifications note all required BMPs are in place and working as intended.

Information available to CSPA indicates that the Security Contractor Services Facility Owners and/or Operators have submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the Security Contractor Services Facility Owners and/or Operators is in daily violation of the Storm Water Permit. Every day the Security Contractor Services Facility Owners and/or Operators conduct operations at the Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Security Contractor Services Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least February 3, 2010. These violations are ongoing. The Security Contractor Services Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since February 3, 2010.

III. Relief and Penalties Sought for Violations of the Clean Water Act.

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), CSPA will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

IV. Conclusion.

Upon expiration of the 60-day notice period, CSPA will file a citizen suit under Section 505(a) of the Clean Water Act for the Security Contractor Services Facility Owner's and/or Operator's violations of the Storm Water Permit. During the 60-day notice period, however, CSPA is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact CSPA's legal counsel as listed below.

Drevet Hunt
drev@lawyersforcleanwater.com
Caroline Koch
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Notice of Violation and Intent to File Suit
February 3, 2015
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San Francisco, California 94129
Tel: (415) 440-6520

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jennings". The signature is fluid and cursive, with the first name "Bill" and last name "Jennings" clearly distinguishable.

Bill Jennings, Executive Director
California Sportfishing Protection Alliance

SERVICE LIST

Eric H. Holder, Jr.
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114

Exhibit A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2009/2010 Wet Season								
11/20/09 0:00	Aluminum Total	SP-1	7.76	mg/L	0.75	10.35	none	N/A
11/20/09 0:00	Electrical Conductivity @ 25 Deg. C	SP-1	182	umhos/cm	200	0	none	N/A
11/20/09 0:00	Iron Total	SP-1	9.29	mg/L	1	9.29	0.3	30.97
11/20/09 0:00	Nitrite Plus Nitrate (as N)	SP-1	1.95	mg/L	0.68	2.87	none	N/A
11/20/09 0:00	Oil and Grease	SP-1	<10	mg/L	15	0	none	N/A
11/20/09 0:00	pH	SP-1	9.17	SU	6.0-9.0	0	6.5-8.5	0.67
11/20/09 0:00	Total Suspended Solids (TSS)	SP-1	199	mg/L	100	1.99	none	N/A
11/20/09 0:00	Zinc Total	SP-1	6.45	mg/L	0.11	58.64	0.12	53.75
11/20/09 0:00	Aluminum Total	DP-2	0.492	mg/L	0.75	0	none	N/A
11/20/09 0:00	Electrical Conductivity @ 25 Deg. C	DP-2	53.5	umhos/cm	200	0	none	N/A
11/20/09 0:00	Iron Total	DP-2	1.03	mg/L	1	1.03	0.3	3.43
11/20/09 0:00	Nitrite Plus Nitrate (as N)	DP-2	0.375	mg/L	0.68	0	none	N/A
11/20/09 0:00	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
11/20/09 0:00	pH	DP-2	7.62	SU	6.0-9.0	0	6.5-8.5	0
11/20/09 0:00	Total Suspended Solids (TSS)	DP-2	<15	mg/L	100	0	none	N/A
11/20/09 0:00	Zinc Total	DP-2	0.439	mg/L	0.11	3.99	0.12	3.66
2/23/10 14:30	Aluminum Total	DP-1	1.09	mg/L	0.75	1.45	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/23/10 14:30	Electrical Conductivity @ 25 Deg. C	DP-1	69.1	umhos/cm	200	0	none	N/A
2/23/10 14:30	Iron Total	DP-1	1.73	mg/L	1	1.73	0.3	5.77
2/23/10 14:30	Nitrite Plus Nitrate (as N)	DP-1	1.675	mg/L	0.68	2.46	none	N/A
2/23/10 14:30	Oil and Grease	DP-1	<10	mg/L	15	0	none	N/A
2/23/10 14:30	pH	DP-1	7.26	SU	6.0-9.0	0	6.5-8.5	0
2/23/10 14:30	Total Suspended Solids (TSS)	DP-1	35	mg/L	100	0	none	N/A
2/23/10 14:30	Zinc Total	DP-1	0.74	mg/L	0.11	6.73	0.12	6.17
2/23/10 14:35	Aluminum Total	DP-2	0.127	mg/L	0.75	0	none	N/A
2/23/10 14:35	Electrical Conductivity @ 25 Deg. C	DP-2	257	umhos/cm	200	1.29	none	N/A
2/23/10 14:35	Iron Total	DP-2	0.797	mg/L	1	0	0.3	2.66
2/23/10 14:35	Nitrite Plus Nitrate (as N)	DP-2	0.985	mg/L	0.68	1.45	none	N/A
2/23/10 14:35	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
2/23/10 14:35	pH	DP-2	7.09	SU	6.0-9.0	0	6.5-8.5	0
2/23/10 14:35	Total Suspended Solids (TSS)	DP-2	<15	mg/L	100	0	none	N/A
2/23/10 14:35	Zinc Total	DP-2	0.38	mg/L	0.11	3.45	0.12	3.17
2010/2011 Wet Season								
2/24/11 9:30	Aluminum Total	DP-1	0.677	mg/L	0.75	0	none	N/A
2/24/11 9:30	Electrical Conductivity @ 25 Deg. C	DP-1	12.3	umhos/cm	200	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/24/11 9:30	Iron Total	DP-1	0.753	mg/L	1	0	0.3	2.51
2/24/11 9:30	Nitrite Plus Nitrate (as N)	DP-1	0.195	mg/L	0.68	0	none	N/A
2/24/11 9:30	Oil and Grease	DP-1	<11.1	mg/L	15	0	none	N/A
2/24/11 9:30	pH	DP-1	6.35	SU	6.0-9.0	0	6.5-8.5	0.15
2/24/11 9:30	Total Suspended Solids (TSS)	DP-1	,15	mg/L	100	0	none	N/A
2/24/11 9:30	Zinc Total	DP-1	0.335	mg/L	0.11	3.05	0.12	2.79
2/24/11 9:30	Aluminum Total	DP-2	0.652	mg/L	0.75	0	none	N/A
2/24/11 9:30	Electrical Conductivity @ 25 Deg. C	DP-2	12.1	umhos/cm	200	0	none	N/A
2/24/11 9:30	Iron Total	DP-2	0.827	mg/L	1	0	0.3	2.76
2/24/11 9:30	Nitrite Plus Nitrate (as N)	DP-2	0.205	mg/L	0.68	0	none	N/A
2/24/11 9:30	Oil and Grease	DP-2	<11.1	mg/L	15	0	none	N/A
2/24/11 9:30	pH	DP-2	6.57	SU	6.0-9.0	0	6.5-8.5	0
2/24/11 9:30	Total Suspended Solids (TSS)	DP-2	,15	mg/L	100	0	none	N/A
2/24/11 9:30	Zinc Total	DP-2	0.343	mg/L	0.11	3.12	0.12	2.86
5/25/11 12:20	Aluminum Total	DP-1	1.81	mg/L	0.75	2.41	none	N/A
5/25/11 12:20	Electrical Conductivity @ 25 Deg. C	DP-1	89.3	umhos/cm	200	0	none	N/A
5/25/11 12:20	Iron Total	DP-1	2.63	mg/L	1	2.63	0.3	8.77
5/25/11 12:20	Nitrite Plus Nitrate (as N)	DP-1	1.975	mg/L	0.68	2.90	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
5/25/11 12:20	Oil and Grease	DP-1	<12.2	mg/L	15	0	none	N/A
5/25/11 12:20	pH	DP-1	6.63	SU	6.0-9.0	0	6.5-8.5	0
5/25/11 12:20	Total Suspended Solids (TSS)	DP-1	52	mg/L	100	0	none	N/A
5/25/11 12:20	Zinc Total	DP-1	3.74	mg/L	0.11	34	0.12	31.17
5/25/11 12:20	Aluminum Total	DP-2	1.39	mg/L	0.75	1.85	none	N/A
5/25/11 12:20	Electrical Conductivity @ 25 Deg. C	DP-2	82.2	umhos/cm	200	0	none	N/A
5/25/11 12:20	Iron Total	DP-2	1.92	mg/L	1	1.92	0.3	6.40
5/25/11 12:20	Nitrite Plus Nitrate (as N)	DP-2	0.265	mg/L	0.68	0	none	N/A
5/25/11 12:20	Oil and Grease	DP-2	<11.1	mg/L	15	0	none	N/A
5/25/11 12:20	pH	DP-2	6.34	SU	6.0-9.0	0	6.5-8.5	0.16
5/25/11 12:20	Total Suspended Solids (TSS)	DP-2	35	mg/L	100	0	none	N/A
5/25/11 12:20	Zinc Total	DP-2	3.27	mg/L	0.11	29.73	0.12	27.25
2011/2012 Wet Season								
10/10/11 10:55	Aluminum Total	DP-1	0.554	mg/L	0.75	0	none	N/A
10/10/11 10:55	Electrical Conductivity @ 25 Deg. C	DP-1	24.3	umhos/cm	200	0	none	N/A
10/10/11 10:55	Iron Total	DP-1	0.854	mg/L	1	0	0.3	2.85
10/10/11 10:55	Nitrite Plus Nitrate (as N)	DP-1	0.535	mg/L	0.68	0	none	N/A
10/10/11 10:55	Oil and Grease	DP-1	<10	mg/L	15	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
10/10/11 10:55	pH	DP-1	6.95	SU	6.0-9.0	0	6.5-8.5	0
10/10/11 10:55	Total Suspended Solids (TSS)	DP-1	<15	mg/L	100	0	none	N/A
10/10/11 10:55	Zinc Total	DP-1	0.422	mg/L	0.11	3.84	0.12	3.52
10/10/11 10:55	Aluminum Total	DP-2	0.658	mg/L	0.75	0	none	N/A
10/10/11 10:55	Electrical Conductivity @ 25 Deg. C	DP-2	23.9	umhos/cm	200	0	none	N/A
10/10/11 10:55	Iron Total	DP-2	0.927	mg/L	1	0	0.3	3.09
10/10/11 10:55	Nitrite Plus Nitrate (as N)	DP-2	0.515	mg/L	0.68	0	none	N/A
10/10/11 10:55	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
10/10/11 10:55	pH	DP-2	6.79	SU	6.0-9.0	0	6.5-8.5	0
10/10/11 10:55	Total Suspended Solids (TSS)	DP-2	16	mg/L	100	0	none	N/A
10/10/11 10:55	Zinc Total	DP-2	0.479	mg/L	0.11	4.35	0.12	3.99
3/14/12 8:30	Aluminum Total	DP-1	0.43	mg/L	0.75	0	none	N/A
3/14/12 8:30	Electrical Conductivity @ 25 Deg. C	DP-1	22.3	umhos/cm	200	0	none	N/A
3/14/12 8:30	Iron Total	DP-1	0.576	mg/L	1	0	0.3	1.92
3/14/12 8:30	Nitrite Plus Nitrate (as N)	DP-1	0.275	mg/L	0.68	0	none	N/A
3/14/12 8:30	Oil and Grease	DP-1	<11.4	mg/L	15	0	none	N/A
3/14/12 8:30	pH	DP-1	6.96	SU	6.0-9.0	0	6.5-8.5	0
3/14/12 8:30	Total Suspended Solids (TSS)	DP-1	15	mg/L	100	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
3/14/12 8:30	Zinc Total	DP-1	0.377	mg/L	0.11	3.43	0.12	3.14
3/14/12 8:30	Aluminum Total	DP-2	0.467	mg/L	0.75	0	none	N/A
3/14/12 8:30	Electrical Conductivity @ 25 Deg. C	DP-2	20	umhos/cm	200	0	none	N/A
3/14/12 8:30	Iron Total	DP-2	0.671	mg/L	1	0	0.3	2.24
3/14/12 8:30	Nitrite Plus Nitrate (as N)	DP-2	0.265	mg/L	0.68	0	none	N/A
3/14/12 8:30	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
3/14/12 8:30	pH	DP-2	6.73	SU	6.0-9.0	0	6.5-8.5	0
3/14/12 8:30	Total Suspended Solids (TSS)	DP-2	<15	mg/L	100	0	none	N/A
3/14/12 8:30	Zinc Total	DP-2	0.368	mg/L	0.11	3.35	0.12	3.07
2012/2013 Wet Season								
11/8/12 2:59	Aluminum Total	DP-2	0.767	mg/L	0.75	1.02	none	N/A
11/8/12 2:59	Electrical Conductivity @ 25 Deg. C	DP-2	53.2	umhos/cm	200	0	none	N/A
11/8/12 2:59	Iron Total	DP-2	1.1	mg/L	1	1.1	0.3	3.67
11/8/12 2:59	Nitrite Plus Nitrate (as N)	DP-2	0.815	mg/L	0.68	1.20	none	N/A
11/8/12 2:59	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
11/8/12 2:59	pH	DP-2	6.75	SU	6.0-9.0	0	6.5-8.5	0
11/8/12 2:59	Total Suspended Solids (TSS)	DP-2	20	mg/L	100	0	none	N/A
11/8/12 2:59	Zinc Total	DP-2	0.674	mg/L	0.11	6.13	0.12	5.62

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
11/8/12 3:09	Aluminum Total	DP-1	1.07	mg/L	0.75	1.43	none	N/A
11/8/12 3:09	Electrical Conductivity @ 25 Deg. C	DP-1	76.8	umhos/cm	200	0	none	N/A
11/8/12 3:09	Iron Total	DP-1	1.45	mg/L	1	1.45	0.3	4.83
11/8/12 3:09	Nitrite Plus Nitrate (as N)	DP-1	1.045	mg/L	0.68	1.54	none	N/A
11/8/12 3:09	Oil and Grease	DP-1	<10.5	mg/L	15	0	none	N/A
11/8/12 3:09	pH	DP-1	6.55	SU	6.0-9.0	0	6.5-8.5	0
11/8/12 3:09	Total Suspended Solids (TSS)	DP-1	38	mg/L	100	0	none	N/A
11/8/12 3:09	Zinc Total	DP-1	0.626	mg/L	0.11	5.69	0.12	5.22
11/8/12 3:50	Aluminum Total	SP-1	1.32	mg/L	0.75	1.76	none	N/A
11/8/12 3:50	Electrical Conductivity @ 25 Deg. C	SP-1	137	umhos/cm	200	0	none	N/A
11/8/12 3:50	Iron Total	SP-1	1.57	mg/L	1	1.57	0.3	5.23
11/8/12 3:50	Nitrite Plus Nitrate (as N)	SP-1	1.71	mg/L	0.68	2.51	none	N/A
11/8/12 3:50	Oil and Grease	SP-1	<11.1	mg/L	15	0	none	N/A
11/8/12 3:50	pH	SP-1	7.74	SU	6.0-9.0	0	6.5-8.5	0
11/8/12 3:50	Total Suspended Solids (TSS)	SP-1	21	mg/L	100	0	none	N/A
11/8/12 3:50	Zinc Total	SP-1	1.6	mg/L	0.11	14.55	0.12	13.33
4/4/13 7:50	Aluminum Total	SP-1	0.915	mg/L	0.75	1.22	none	N/A
4/4/13 7:50	Electrical Conductivity @ 25 Deg. C	SP-1	120	umhos/cm	200	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/4/13 7:50	Iron Total	SP-1	1.14	mg/L	1	1.14	0.3	3.80
4/4/13 7:50	Nitrite Plus Nitrate (as N)	SP-1	0.905	mg/L	0.68	1.33	none	N/A
4/4/13 7:50	Oil and Grease	SP-1	<19.6	mg/L	15	0.00	none	N/A
4/4/13 7:50	pH	SP-1	7.5	SU	6.0-9.0	0	6.5-8.5	0
4/4/13 7:50	Total Suspended Solids (TSS)	SP-1	56	mg/L	100	0	none	N/A
4/4/13 7:50	Zinc Total	SP-1	2.72	mg/L	0.11	24.73	0.12	22.67
4/4/13 8:10	Aluminum Total	DP-1	0.416	mg/L	0.75	0	none	N/A
4/4/13 8:10	Electrical Conductivity @ 25 Deg. C	DP-1	33.5	umhos/cm	200	0	none	N/A
4/4/13 8:10	Iron Total	DP-1	0.506	mg/L	1	0	0.3	1.69
4/4/13 8:10	Nitrite Plus Nitrate (as N)	DP-1	0.485	mg/L	0.68	0	none	N/A
4/4/13 8:10	Oil and Grease	DP-1	<18.2	mg/L	15	0	none	N/A
4/4/13 8:10	pH	DP-1	6.79	SU	6.0-9.0	0	6.5-8.5	0
4/4/13 8:10	Total Suspended Solids (TSS)	DP-1	<15	mg/L	100	0	none	N/A
4/4/13 8:10	Zinc Total	DP-1	0.343	mg/L	0.11	3.12	0.12	2.86
4/4/13 8:25	Aluminum Total	DP-2	0.287	mg/L	0.75	0	none	N/A
4/4/13 8:25	Electrical Conductivity @ 25 Deg. C	DP-2	14.2	umhos/cm	200	0	none	N/A
4/4/13 8:25	Iron Total	DP-2	0.37	mg/L	1	0	0.3	1.23
4/4/13 8:25	Nitrite Plus Nitrate (as N)	DP-2	0.305	mg/L	0.68	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/4/13 8:25	Oil and Grease	DP-2	16	mg/L	15	1.07	none	N/A
4/4/13 8:25	pH	DP-2	6.53	SU	6.0-9.0	0	6.5-8.5	0
4/4/13 8:25	Total Suspended Solids (TSS)	DP-2	<15	mg/L	100	0	none	N/A
4/4/13 8:25	Zinc Total	DP-2	0.449	mg/L	0.11	4.08	0.12	3.74
2013/2014 Wet Season								
3/25/14 7:15	Nitrite Plus Nitrate (as N)	DP-1	1.385	mg/L	0.68	2.04	none	N/A
3/25/14 7:15	Oil and Grease	DP-1	<11.1	mg/L	15	0	none	N/A
3/25/14 7:15	Electrical Conductivity @ 25 Deg. C	DP-1	93.1	umhos/cm	200	0	none	N/A
3/25/14 7:15	pH	DP-1	7.85	SU	6.0-9.0	0	6.5-8.5	0
3/25/14 7:15	Total Suspended Solids (TSS)	DP-1	46	mg/L	100	0	none	N/A
3/25/14 7:15	Aluminum Total	DP-1	1.66	mg/L	0.75	2.21	none	N/A
3/25/14 7:15	Iron Total	DP-1	2.38	mg/L	1	2.38	0.3	7.93
3/25/14 7:15	Zinc Total	DP-1	1.17	mg/L	0.11	10.64	0.12	9.75
3/25/14 7:30	Nitrite Plus Nitrate (as N)	DP-2	1.385	mg/L	0.68	2.04	none	N/A
3/25/14 7:30	Oil and Grease	DP-2	<10.9	mg/L	15	0	none	N/A
3/25/14 7:30	Electrical Conductivity @ 25 Deg. C	DP-2	92.1	umhos/cm	200	0	none	N/A
3/25/14 7:30	pH	DP-2	7.72	SU	6.0-9.0	0	6.5-8.5	0
3/25/14 7:30	Total Suspended Solids (TSS)	DP-2	43	mg/L	100	0	none	N/A

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
3/25/14 7:30	Aluminum Total	DP-2	2.17	mg/L	0.75	2.89	none	N/A
3/25/14 7:30	Zinc Total	DP-2	1.16	mg/L	0.11	10.55	0.12	9.67
3/25/14 7:30	Iron Total	DP-2	2.57	mg/L	1	2.57	0.3	8.57
3/25/14 7:45	Nitrite Plus Nitrate (as N)	SP-1	1.84	mg/L	0.68	2.71	none	N/A
3/25/14 7:45	Oil and Grease	SP-1	<11.1	mg/L	15	0	none	N/A
3/25/14 7:45	Electrical Conductivity @ 25 Deg. C	SP-1	171	umhos/cm	200	0	none	N/A
3/25/14 7:45	pH	SP-1	8.8	SU	6.0-9.0	0	6.5-8.5	0.3
3/25/14 7:45	Total Suspended Solids (TSS)	SP-1	72	mg/L	100	0	none	N/A
3/25/14 7:45	Aluminum Total	SP-1	2.88	mg/L	0.75	3.84	none	N/A
3/25/14 7:45	Zinc Total	SP-1	4.9	mg/L	0.11	44.55	0.12	40.83
3/25/14 7:45	Iron Total	SP-1	3.89	mg/L	1	3.89	0.3	12.97
4/25/14 13:00	Nitrite Plus Nitrate (as N)	DP-1	1.355	mg/L	0.68	1.99	none	N/A
4/25/14 13:00	Oil and Grease	DP-1	<10	mg/L	15	0	none	N/A
4/25/14 13:00	Electrical Conductivity @ 25 Deg. C	DP-1	Did not analyze	umhos/cm	200	N/A	none	N/A
4/25/14 13:00	pH	DP-1	6.9	SU	6.0-9.0	0	6.5-8.5	0
4/25/14 13:00	Total Suspended Solids (TSS)	DP-1	28	mg/L	100	0	none	N/A
4/25/14 13:00	Zinc Total	DP-1	1.4	mg/L	0.11	12.73	0.12	11.67
4/25/14 13:00	Iron Total	DP-1	3.87	mg/L	1	3.87	0.3	12.90

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/25/14 13:00	Aluminum Total	DP-1	2.53	mg/L	0.75	3.37	none	N/A
4/25/14 13:15	Nitrite Plus Nitrate (as N)	DP-2	0.935	mg/L	0.68	1.38	none	N/A
4/25/14 13:15	Oil and Grease	DP-2	<10	mg/L	15	0	none	N/A
4/25/14 13:15	Electrical Conductivity @ 25 Deg. C	DP-2	Did not analyze	umhos/cm	200	N/A	none	N/A
4/25/14 13:15	pH	DP-2	7.23	SU	6.0-9.0	0	6.5-8.5	0
4/25/14 13:15	Total Suspended Solids (TSS)	DP-2	<15	mg/L	100	0	none	N/A
4/25/14 13:15	Aluminum Total	DP-2	1.57	mg/L	0.75	2.09	none	N/A
4/25/14 13:15	Zinc Total	DP-2	0.991	mg/L	0.11	9.01	0.12	8.26
4/25/14 13:15	Iron Total	DP-2	2.76	mg/L	1	2.76	0.3	9.20
4/25/14 13:30	Nitrite Plus Nitrate (as N)	SP-1	1.035	mg/L	0.68	1.52	none	N/A
4/25/14 13:30	Oil and Grease	SP-1	<10	mg/L	15	0	none	N/A
4/25/14 13:30	Electrical Conductivity @ 25 Deg. C	SP-1	Did not analyze	umhos/cm	200	N/A	none	N/A
4/25/14 13:30	pH	SP-1	7.1	SU	6.0-9.0	0	6.5-8.5	0
4/25/14 13:30	Total Suspended Solids (TSS)	SP-1	109	mg/L	100	1.09	none	N/A
4/25/14 13:30	Aluminum Total	SP-1	7.38	mg/L	0.75	9.84	none	N/A
4/25/14 13:30	Zinc Total	SP-1	6.03	mg/L	0.11	54.82	0.12	50.25
4/25/14 13:30	Iron Total	SP-1	11.3	mg/L	1	11.3	0.3	37.67
				Total Benchmark Exceedances		71	Total WQO Exceedances	52

Exhibit B

Arcade Creek at Winding Way Gauge		
Date	Day of Week	Rain
1/12/10	Tuesday	0.47
1/17/10	Sunday	0.32
1/21/10	Thursday	0.55
1/25/10	Monday	0.32
1/29/10	Friday	0.24
2/4/10	Thursday	0.7
2/6/10	Saturday	0.16
2/8/10	Sunday	0.12
2/23/10	Tuesday	0.59
2/26/10	Friday	0.47
2/27/10	Saturday	0.31
3/2/10	Tuesday	0.28
3/3/10	Wednesday	0.63
3/9/10	Tuesday	0.12
3/12/10	Friday	0.39
3/31/10	Wednesday	0.15
4/4/10	Sunday	0.75
4/11/10	Sunday	0.51
4/12/10	Monday	0.31
4/20/10	Tuesday	0.31
4/21/10	Wednesday	0.16
4/27/10	Tuesday	0.16
5/10/10	Monday	0.19
5/25/10	Tuesday	0.24
5/27/10	Thursday	0.16
10/23/10	Saturday	0.59
10/24/10	Sunday	0.48
11/7/10	Sunday	0.32
11/19/10	Friday	0.78
11/20/10	Saturday	0.83
11/27/10	Saturday	0.24
12/2/10	Thursday	0.24
12/4/10	Saturday	0.28
12/5/10	Sunday	0.59
12/8/10	Wednesday	0.11
12/14/10	Tuesday	0.16
12/17/10	Friday	0.55
12/18/10	Saturday	0.36
12/19/10	Sunday	0.28
12/21/10	Tuesday	0.16

Date	Day of Week	Rain
12/22/10	Wednesday	0.11
12/25/10	Saturday	0.71
12/28/10	Tuesday	0.55
1/1/11	Saturday	0.24
1/2/11	Sunday	0.24
1/13/11	Thursday	0.11
1/29/11	Saturday	0.2
1/30/11	Sunday	0.23
2/15/11	Tuesday	0.2
2/16/11	Wednesday	0.16
2/17/11	Thursday	0.47
2/18/11	Friday	0.55
2/24/11	Thursday	0.71
2/25/11	Friday	0.32
3/5/11	Saturday	0.11
3/6/11	Sunday	0.31
3/13/11	Sunday	0.75
3/14/11	Monday	0.19
3/15/11	Tuesday	0.63
3/18/11	Friday	0.63
3/19/11	Saturday	0.28
3/20/11	Sunday	0.36
3/23/11	Wednesday	0.27
3/24/11	Thursday	0.63
3/25/11	Friday	0.12
3/26/11	Saturday	0.27
5/15/11	Sunday	0.31
5/16/11	Monday	0.24
5/17/11	Tuesday	0.47
5/18/11	Wednesday	0.12
5/25/11	Wednesday	0.27
5/28/11	Saturday	0.2
6/1/11	Wednesday	0.12
6/4/11	Saturday	0.36
6/28/11	Tuesday	0.55
10/4/11	Tuesday	0.28
10/5/11	Wednesday	0.16
10/10/11	Monday	0.55
11/5/11	Saturday	0.31
11/19/11	Saturday	0.2
11/20/11	Sunday	0.12

Date	Day of Week	Rain
11/24/11	Thursday	0.11
1/19/12	Thursday	0.28
1/20/12	Friday	0.94
1/22/12	Sunday	0.47
1/23/12	Monday	0.23
2/12/12	Sunday	0.24
2/29/12	Wednesday	0.12
3/13/12	Tuesday	0.31
3/14/12	Wednesday	0.4
3/16/12	Friday	0.67
3/17/12	Saturday	0.28
3/25/12	Sunday	0.16
3/27/12	Tuesday	0.87
3/28/12	Wednesday	0.12
3/31/12	Saturday	0.43
4/11/12	Wednesday	0.51
4/12/12	Thursday	0.67
4/13/12	Friday	0.23
4/25/12	Wednesday	0.55
10/22/12	Monday	0.35
10/31/12	Wednesday	0.16
11/1/12	Thursday	0.19
11/8/12	Thursday	0.12
11/16/12	Friday	0.16
11/17/12	Saturday	0.48
11/20/12	Monday	0.2
11/21/12	Tuesday	0.19
11/28/12	Wednesday	0.4
11/29/12	Thursday	0.51
11/30/12	Friday	0.39
12/1/12	Saturday	0.44
12/2/12	Sunday	0.36
12/4/12	Tuesday	0.31
12/5/12	Wednesday	0.16
12/13/12	Thursday	0.15
12/15/12	Saturday	0.12
12/17/12	Monday	0.27
12/21/12	Friday	0.36
12/22/12	Saturday	0.31
12/23/12	Sunday	0.47
12/25/12	Tuesday	0.63

Date	Day of Week	Rain
1/5/13	Saturday	0.59
1/6/13	Sunday	0.12
1/23/13	Wednesday	0.12
2/19/13	Tuesday	0.2
3/6/13	Wednesday	0.16
3/19/13	Tuesday	0.2
3/20/13	Wednesday	0.24
3/30/13	Saturday	0.12
3/31/13	Sunday	0.35
4/4/13	Thursday	0.39
6/24/13	Monday	0.12
9/2/13	Monday	0.11
9/21/13	Saturday	0.28
11/19/13	Tuesday	0.55
11/20/13	Wednesday	0.28
12/6/13	Friday	0.47
12/7/13	Saturday	0.12
1/29/14	Wednesday	0.16
1/30/14	Thursday	0.47
2/5/14	Wednesday	0.12
2/6/14	Thursday	0.12
2/7/14	Friday	0.4
2/11/14	Tuesday	2.21
2/26/14	Wednesday	0.47
2/28/14	Friday	0.71
3/2/14	Sunday	0.16
3/3/14	Monday	0.16
3/5/14	Wednesday	0.47
3/10/14	Monday	0.2
3/26/14	Wednesday	0.4
3/29/14	Saturday	0.47
3/31/14	Monday	0.16
4/1/14	Tuesday	0.59
4/25/14	Friday	0.59
9/25/14	Thursday	0.28
9/26/14	Friday	0.16
12/8/14	Monday	4.61
12/11/14	Thursday	0.75
12/12/14	Friday	0.15
12/15/14	Monday	0.35
12/16/14	Tuesday	0.55

Date	Day of Week	Rain
12/17/14	Wednesday	0.12
12/19/14	Friday	0.44
	Total Number of Rain Days	165